



*DAE JMW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/666,207 Confirmation No.: 9101  
Applicant : Kevin R. Orton  
Filing Date : September 21, 2000  
Title : Apparatus for Electrically Preparing Injectable Substances  
Group Art Unit : 3762  
Examiner : Leslie R. Deak  
Docket No. : 704484.4014  
Customer No. : 34313

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

05/02/2005 SSESHE1 00000026 150665 09666207  
01 FC:2453 750.00 DA

CERTIFICATE OF MAILING OR TRANSMISSION 37 CFR §1.8(a)

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to the Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: April 26, 2005

DOCSOC1:162277.1

*Sally Hartwell*  
Sally Hartwell

Applicant : Kevin R. Orton  
Appl. No. : 09/666,207  
Examiner : Leslie R. Deak  
Docket No. : 704484.4014

1. PETITION FEE

- ☒ Small entity - fee \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$1,500.00 (37 CFR 1.17(m)).

2. REPLY AND/OR FEE

- A. The reply and/or fee to the above-noted Office action in the form of an RCE, and a Submission to Accompany RCE (identify type of reply);

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

- B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

3. TERMINAL DISCLAIMER WITH DISCLAIMER FEE

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 60.00 for a small entity or \$ 130.00 for other than a small entity) disclaiming the required period of time is enclosed herewith (See PTO/SB/63).

4. FEE PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_
- ☒ Please charge Account No. 15-0665 the sum of \$750.00.  
*A duplicate of this sheet is attached.*

Applicant : Kevin R. Orton  
Appl. No. : 09/666,207  
Examiner : Leslie R. Deak  
Docket No. : 704484.4014

5. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Commissioner is hereby authorized to charge any surcharge fee deficiency to Account No. 15-0665.


6. STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: April 26, 2005

By: 

Kenneth S. Roberts  
Reg. No. 38,283

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710